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Judicious 'Judgment'

By Barry Sussman

One of the least discussed aspects of the Watergate scandal was the reluctance of Congress to move against Richard Nixon until it was forced to by the pressure of public opinion. Congress' dereliction was a scandal in itself.

In 1972, Democrats and Republicans on the House Banking and Currency Committee thwarted the committee's chairman, Wright Patman, in his attempts to conduct an aggressive investigation that could have blown the lid off Watergate before Nixon's reelection.

In May 1973, before the Senate Watergate hearings began, Nixon's chief aides testified to the president's role before House and Senate committees. As the hearings opened, Nixon himself, in a 4,000-word statement, admitted to having used the CIA to block the FBI's investigation, saying he had done so for national security reasons.

A few in Congress called immediately for his impeachment, but most blithely ignored all the evidence. Then, after an entire summer of the most shocking televised hearings, congressional leaders of both political parties began declaiming that it was time to stop wallowing in Watergate and to get on with the nation's business.

As the one-hour TV retrospective "Summer of Judgment: The Impeachment Hearings," showing tonight at 9 on Channel 26, reminds us, it was not until after Nixon's sacking of special prosecutor Archibald Cox, resulting in an enormous outpouring of letters and telegrams

to Capitol Hill, that Congress began to move toward impeachment. That was in late October 1973.

Even then, there was no real indication whether there would be a serious impeachment drive. The House Judiciary Committee's first charge was not to make impeachment findings, but to recommend whether there should be any impeachment hearings at all, and it took weeks to decide that.

For those reasons, some of us who followed Watergate closely at

TV Preview

the time harbored terrible suspicions about the Judiciary Committee. Many Republicans in Congress seemed interested in protecting Nixon, many Democrats in weakening him and the Republican Party but not in getting at the facts and turning the president out of office. Why should the Judiciary panel be different?

The committee's first votes on procedural issues were strictly partisan ones, with all the Democrats voting one way and all the Republicans the other. That only made the suspicions worse.

In the end, of course, those suspicions were unfounded. What the Judiciary Committee did, under its chairman, Peter W. Rodino (D-N.J.) and its chief investigator, John Doar, was to mount an overwhelming case against Nixon, one aimed at being so strong and scrupulous as to be able forever to withstand revisionist charges that it was partisan politics, not the facts, that resulted in Nixon's being forced from office.

Tonight's TV presentation, narrated by journalist Charles McDowell, does not address Congress's laggardliness in moving against Nixon, nor does it examine why members of the Judiciary Committee acted so forthrightly when so many others in Congress did not. That is not surprising; almost no one has looked into either matter.

But McDowell does do a fine job in showing how seriously the impeachment investigation was conducted once it began, and he focuses well on how the problems of political partisanship surfaced and were dealt with during the hearings.

Some of the more revealing moments come, in fact, from a Republican member of the committee, former representative M. Caldwell Butler of Virginia, a conservative who was not about to let partisanship blind him. Commenting on the approach of Doar and the other investigators, Butler says, "They would read these factual pages to us, make sure we all reviewed

them. The presentation of the evidence was, I thought, quite objective."

Moments later Butler says, "We had this feeling, as [committee member and former Alabama Democratic representative] Walter Flowers expressed it to us, that . . . if we don't impeach under these circumstances, then there is something wrong with the process."

At one point in the documentary, Butler has to fight to hold back

tears in recollecting his emotions just after voting aye to the first article of impeachment 10 years ago today. Two other panel members interviewed for tonight's show, Rodino and Texas Democrat Barbara Jordan, said they did cry after that 27-to-11 vote.

As former congresswoman Jordan describes it, "We went back behind the main committee hearing room to the offices and several of us cried, absolutely shed tears. For Richard Nixon? No. But that the country had come to this."

"Summer of Judgment: The Impeachment Hearings" is the second 10-year commemorative by McDowell and produced by WETA; last year they presented "Summer of Judgment: The Watergate Hearings."

A weakness in this year's offering, which will also be shown on Channel 26 Aug. 1, 2 and 5, is that it does not dwell enough on what exactly Nixon did to merit impeachment. In one reference, McDowell notes that "there were 40 volumes of evidence . . . on Watergate, on election abuses, on the misuse of government agencies . . . so much evidence that the committee almost drowned in it."

There are several other mentions as well, but all of them tend to get lost in the hour-long presentation. That could be a special problem for younger people who have heard much about Watergate but have little idea of what the scandal was about.

Nevertheless, this documentary easily succeeds in conveying the message that, at a moment when Nixon seems to be striving so hard for rehabilitation, he has a lot to be rehabilitated for.